

REMARKS

A. Restriction Requirement

In the Restriction Requirement, the Examiner restricted the claims into twenty-seven (27) different groups. In response to the Restriction Requirement, Applicant hereby elects with traverse, Group I, claims 29, 30, and 31, drawn to a method for the diagnosis of a disease selected from the group consisting of preeclampsia, eclampsia, pregnancy induced hypertension, HELLP syndrome, intrauterine growth retardation, superimposed gestosis, and gestational diabetes, comprising determining the expression level of a peptide or polypeptide ADAM-12.

Applicant traverses the restriction requirement on the grounds that the search and examination of the different groups of claims is not unduly burdensome to the examiner.

B. Species Election

The Examiner also detailed two species election requirements at page 7 of the Office Action:

(i) If any one of Group I-XVI or XVII-XIX is elected, Applicant is required to elect a single specific mean or agent for the measurement of expression of the (a) genes or (b) proteins, (c) blood pressure, (d) a specific combination, where the gene or protein is one of the genes or proteins recited in claims 31, 36, 42 or 47. In response, Applicant elects “means for the determination of PLGF”

(ii) If any one of Group I-XVI or XX-XXV is elected, Applicant is required to elect a particular disease to be diagnosed/treated such as (a) preeclampsia, (b) eclampsia, (c) pregnancy induced hypertension, (d) HELLP syndrome, (e) intrauterine growth retardation, (f) superimposed gestosis, or (g) gestation diabetes. In response, Applicant elects preeclampsia.

Claims 29, 30 and 31 read on the two elected species. Applicant makes these species elections with traverse. Applicant traverses on the grounds that the search and examination of all of the species does not impose an undue burden upon the examiner. Moreover, the M.P.E.P. provides that a reasonable number of species can be searched in one application. Applicant presumes that the species election is made to assist the Examiner in searching the invention, and that the Examiner will follow the procedures delineated in MPEP 809.02(c).

Conclusion

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Dec 5, 2008 By Michele M. Simkin

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicant
Registration No. 34,717